

hear the GAO testify that money had been wasted.

Let me give you a couple of examples. In the District of Columbia—yes, right here in Washington, DC, surely a high-risk area, an area attacked on 9/11—we found that leather jackets were purchased for the local police using homeland security grant money. In Newark, NJ, homeland security funds were used to purchase air-conditioned garbage trucks. This is totally inexcusable, when we have such great needs for new communications equipment, for training and exercises, and for help for our first responders. We simply cannot afford to have money frittered away. It is outrageous.

Our bill would help to eliminate those abuses. It would strictly prohibit the use of grant funds on items that don't relate to securing our homeland. It requires States to have an approved plan and for funds to be allocated, distributed, and spent according to that plan, and to achieve certain baseline preparedness goals. It requires DHS to set minimum performance standards for agency grants, and it provides for audits to ensure accountability.

I know that last safeguard is near and dear to the Presiding Officer's heart and that she understands, perhaps better than anyone in this body, the importance of regular, thorough, and timely audits.

Madam President, I acknowledge the work of Senator COBURN, and many other members of our committee, to strengthen the provisions of our bill. I offered an amendment to make sure that homeland security funds were not used for social or recreational purposes. In short, I think we have tightened up the safeguards and put new measures in to ensure accountability.

I mentioned earlier that our bill proceeds in the spirit of the 9/11 Commission; its provisions for increased and more effective information sharing, for strengthening the privacy and civil liberties oversight board, and for disclosing the total sums requested, authorized, and appropriated for intelligence programs all testified to that amendment.

There are many provisions of the bill reported by the Homeland Security Committee that will improve our security in other ways. I want to note once again, however, that this bill is not a sudden, new, or unusual manifestation of congressional determination to strengthen our security. The bill before us today continues the work of Congress in taking proper notice of the 9/11 Commission's recommendations. I am proud to be part of the bipartisan deliberations that shaped this bill, and I urge all of my colleagues to support it.

I want to also acknowledge the tireless efforts of the families of the victims of 9/11. They have worked with Senator LIEBERMAN and me every step of the way when we were drafting the Intelligence Reform and Terrorist Prevention Act in 2004. They were our inspiration and they kept us going. They

ensured that the bill got through to the President's desk and signed into law. They have continued to work with us on the bill before us today. I want to publicly thank them for their effort. They inspired our work.

Our legislation's broad-front attack on the threats we face will ensure good value for every dollar our Nation spends to improve our defenses at the Federal and State and local levels. It will provide appropriate transparency and accountability into the Government's security decisions, and it will strike an appropriate balance between increased security and our cherished civil liberties. The passage of this bill will benefit every American.

Let me close by saying I am certain this bill will be improved even further as we proceed with the deliberations this week. I do not support every single provision in this bill. But on balance, it is yet another step forward as we seek to protect the American people.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### APPROPRIATIONS COMMITTEE ON RULES OF PROCEDURE

Mr. BYRD. Mr. President, pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent to have the attached rules and subcommittee memberships for the 110th Congress printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

##### SUBCOMMITTEES

Senator Byrd, as chairman of the Committee, and Senator Cochran, as ranking minority member of the Committee, are ex officio members of all subcommittees of which they are not regular members.

##### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

Senators Kohl, Harkin, Dorgan, Feinstein, Durbin, Johnson, Nelson, Reed, Bennett, Cochran, Specter, Bond, McConnell, Craig, Brownback. (8-7)

##### COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

Senators Mikulski, Inouye, Leahy, Kohl, Harkin, Dorgan, Feinstein, Reed, Lauten-

berg, Shelby, Gregg, Stevens, Domenici, McConnell, Hutchison, Brownback, Alexander. (9-8)

##### DEPARTMENT OF DEFENSE

Senators Inouye, Byrd, Leahy, Harkin, Dorgan, Durbin, Feinstein, Mikulski, Kohl, Murray, Stevens, Cochran, Specter, Domenici, Bond, McConnell, Shelby, Gregg, Hutchison. (10-9)

##### ENERGY AND WATER DEVELOPMENT

Senators Dorgan, Byrd, Murray, Feinstein, Johnson, Landrieu, Inouye, Reed, Lautenberg, Domenici, Cochran, McConnell, Bennett, Craig, Bond, Hutchison, Allard. (9-8)

##### FINANCIAL SERVICES AND GENERAL GOVERNMENT

Senators Durbin, Murray, Landrieu, Lautenberg, Nelson, Brownback, Bond, Shelby, Allard. (5-4)

##### DEPARTMENT OF HOMELAND SECURITY

Senators Byrd, Inouye, Leahy, Mikulski, Kohl, Murray, Landrieu, Lautenberg, Nelson, Cochran, Gregg, Stevens, Specter, Domenici, Shelby, Craig, Alexander. (9-8)

##### DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

Senators Feinstein, Byrd, Leahy, Dorgan, Mikulski, Kohl, Johnson, Reed, Nelson, Craig, Stevens, Cochran, Domenici, Bennett, Gregg, Allard, Alexander. (9-8)

##### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

Senators Harkin, Inouye, Kohl, Murray, Landrieu, Durbin, Reed, Lautenberg, Specter, Cochran, Gregg, Craig, Hutchison, Stevens, Shelby. (8-7)

##### LEGISLATIVE BRANCH

Senators Landrieu, Durbin, Nelson, Allard, Alexander. (3-2)

##### MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES

Senators Johnson, Inouye, Landrieu, Byrd, Murray, Reed, Nelson, Hutchison, Craig, Brownback, Allard, McConnell, Bennett. (7-6)

##### STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

Senators Leahy, Inouye, Harkin, Mikulski, Durbin, Johnson, Landrieu, Reed, Gregg, McConnell, Specter, Bennett, Bond, Brownback, Alexander. (8-7)

##### TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

Senators Murray, Byrd, Mikulski, Kohl, Durbin, Dorgan, Leahy, Harkin, Feinstein, Johnson, Lautenberg, Bond, Shelby, Specter, Bennett, Hutchison, Brownback, Stevens, Domenici, Alexander, Allard. (11-10)

##### SENATE APPROPRIATIONS COMMITTEE RULES—110TH CONGRESS

##### I. MEETINGS

The Committee will meet at the call of the Chairman.

##### II. QUORUMS

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of

sworn testimony by any subcommittee, one member shall constitute a quorum.

### III. PROXIES

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

### IV. ATTENDANCE OF STAFF MEMBERS AT CLOSED SESSIONS

Attendance of staff members at closed sessions of the Committee shall be limited to those members of the Committee staff who have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

### V. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARINGS

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the full Committee for its decision.

### VI. AVAILABILITY OF SUBCOMMITTEE REPORTS

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

### VII. AMENDMENTS AND REPORT LANGUAGE

To the extent possible, amendments and report language intended to be proposed by Senators at full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member and the appropriate Subcommittee Chairman and Ranking Minority Member twenty-four hours prior to such markups.

### VIII. POINTS OF ORDER

Any member of the Committee who is floor manager of an appropriations bill, is hereby authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriations bill.

### IX. EX OFFICIO MEMBERSHIP

The Chairman and Ranking Minority Member of the full Committee are ex officio members of all subcommittees of which they are not regular members but shall have no vote in the subcommittee and shall not be counted for purposes of determining a quorum.

## SELECT COMMITTEE ON ETHICS RULES OF PROCEDURE

Mrs. BOXER. Mr. President, in accordance with rule XXVI(2) of the Standing Rules of the Senate, I ask that the Rules of Procedure of the Select Committee on Ethics, which were adopted February 23, 1978, and revised November 1999, be printed in the CONGRESSIONAL RECORD for the 110th Congress. The committee rules for the 110th Congress are identical to the rules adopted by the committee for the 109th Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### RULES OF THE SELECT COMMITTEE ON ETHICS

#### PART I: ORGANIC AUTHORITY

##### SUBPART A—S. RES. 338 AS AMENDED

*Resolved*, That (a) there is hereby established a permanent select committee of the Senate to be known as the Select Committee

on Ethics (referred to hereinafter as the "Select Committee") consisting of six Members of the Senate, of whom three shall be selected from members of the majority party and three shall be selected from members of the minority party. Members thereof shall be appointed by the Senate in accordance with the provisions of Paragraph 1 of rule XXIV of the Standing Rules of the Senate at the beginning of each Congress. For purposes of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the Select Committee shall not be taken into account.

(b) Vacancies in the membership of the Select Committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(c) (1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of routine business of the Select Committee not covered by the first paragraph of this subparagraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a member of the majority Party and one member of the quorum is a member of the minority Party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) The Select Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(d)(1) A member of the Select Committee shall be ineligible to participate in—

(A) any preliminary inquiry or adjudicatory review relating to—

(i) the conduct of—  
(I) such member;  
(II) any officer or employee the member supervises; or  
(III) any employee of any officer the member supervises; or  
(ii) any complaint filed by the member; and

(B) the determinations and recommendations of the Select Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A).

For purposes of this paragraph, a member of the Select Committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of rule XXXVII of the Standing Rules of the Senate.

(2) A member of the Select Committee may, at the discretion of the member, disqualify himself or herself from participating in any preliminary inquiry or adjudicatory review pending before the Select Committee and the determinations and recommendations of the Select Committee with respect to any such preliminary inquiry or adjudicatory review. Notice of such disqualification shall be given in writing to the President of the Senate.

(3) Whenever any member of the Select Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review or disqualifies himself or herself under paragraph (2) from partici-

pating in any preliminary inquiry or adjudicatory review, another Senator shall, subject to the provisions of subsection (d), be appointed to serve as a member of the Select Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Select Committee with respect to such preliminary inquiry or adjudicatory review. Any Member of the Senate appointed for such purposes shall be of the same party as the Member who is ineligible or disqualifies himself or herself.

Sec. 2. (a) It shall be the duty of the Select Committee to—

(1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

(2)(A) recommend to the Senate by report or resolution by a majority vote of the full committee disciplinary action to be taken with respect to such violations which the Select Committee shall determine, after according to the individual concerned due notice and opportunity for a hearing, to have occurred;

(B) pursuant to subparagraph (A) recommend discipline, including—

(i) in the case of a Member, a recommendation to the Senate for expulsion, censure, payment of restitution, recommendation to a Member's party conference regarding the Member's seniority or positions of responsibility, or a combination of these; and  
(ii) in the case of an officer or employee, dismissal, suspension, payment of restitution, or a combination of these;

(3) subject to the provisions of subsection (e), by a unanimous vote of 6 members, order that a Member, officer, or employee be reprimanded or pay restitution, or both, if the Select Committee determines, after according to the Member, officer, or employee due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate;

(4) in the circumstances described in subsection (d)(3), issue a public or private letter of admonition to a Member, officer, or employee, which shall not be subject to appeal to the Senate;

(5) recommend to the Senate, by report or resolution, such additional rules or regulations as the Select Committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the Senate, and by officers or employees of the Senate, in the performance of their duties and the discharge of their responsibilities;

(6) by a majority vote of the full committee, report violations of any law, including the provision of false information to the Select Committee, to the proper Federal and State authorities; and

(7) develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

(b) For the purposes of this resolution—

(1) the term "sworn complaint" means a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as